FILE COPY

IN THE

Supreme Court of the United States

October Term, 1947

No. 170

THOMAS BULLITT DIXON,
Petitioner Pro Se,

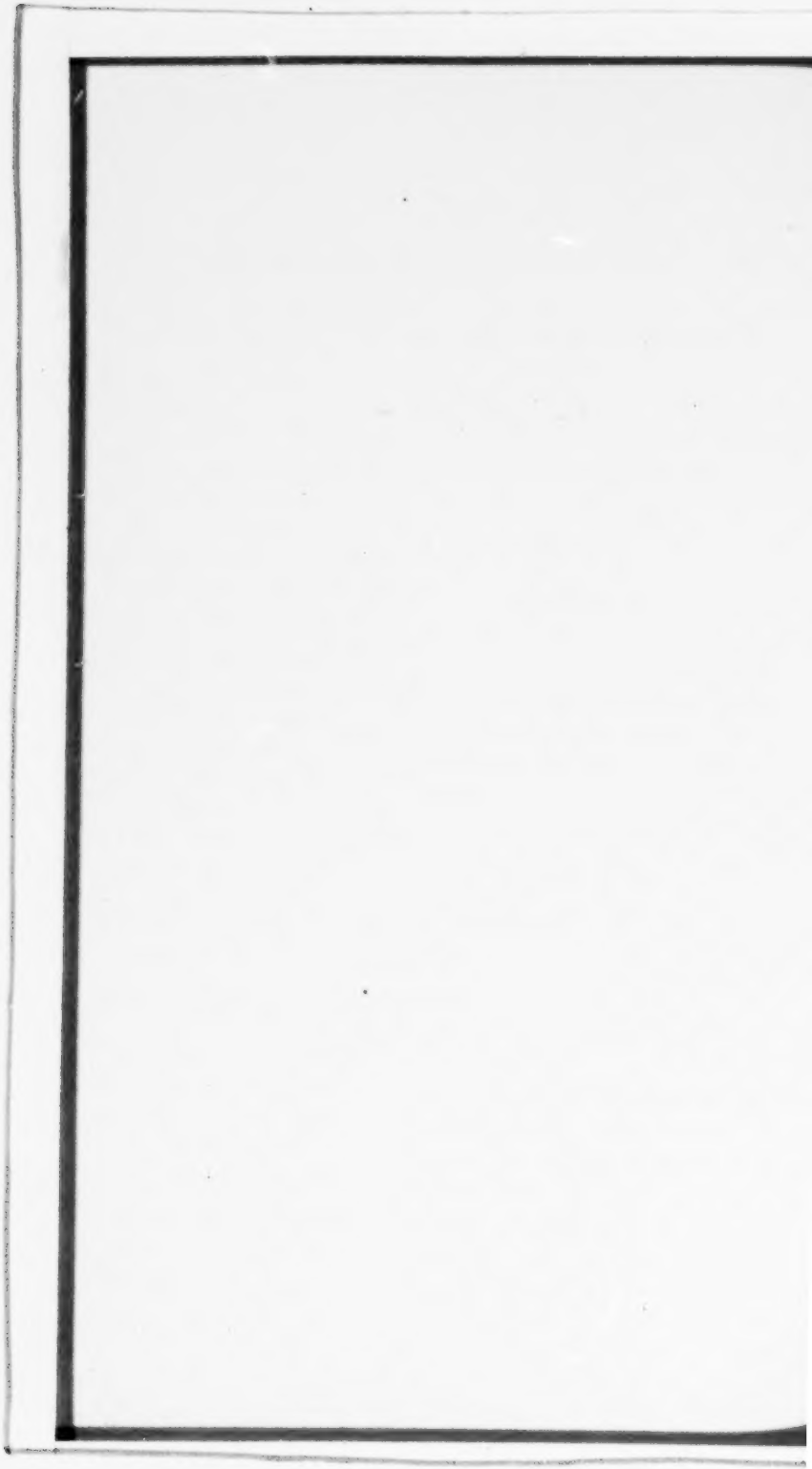
vs.

AMERICAN TELEPHONE AND TELEGRAPH COMPANY; WESTERN ELECTRIC COMPANY, INCORPORATED; PHILIPP, SAWYER, RICE & KENNEDY; JAMES J. KENNEDY, JR.; FISH, RICHARDSON & NEAVE; HENRY R. ASHTON; JOHN MCGLONE,
Respondents.

Civil Action File No. 20-255 To set aside as null and void Decree in E-65-141 and have new trial ordered on ground Decree was "procured to be made" as result of Fraud.

PETITION FOR LEAVE TO FILE A SECOND AND SUPPLEMENTAL PETITION FOR REHEARING WITH ENLARGEMENT OF TIME TO AND INCLUDING JANUARY 26, 1948.

THOMAS BULLITT DIXON,
Petitioner, Pro Se



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PETITION FOR LEAVE TO FILE A SECOND AND SUPPLEMENTAL PETITION FOR REHEARING WITH ENLARGEMENT OF TIME TO AND INCLUDING JANUARY 26, 1948.

To the Honorable the Chief Justice and Associate Justices of the Supreme Court of the United States:

Your Petitioner, Thomas Bullitt Dixon, who is not a lawyer, is the Petitioner, *pro se*, herein, for the granting by this Court of a Writ of Certiorari to the Circuit Court of Appeals for the Second Circuit in the case of *Thomas Bullitt Dixon, Petitioner, pro se* v. *American Telephone and Telegraph Company, et al.*, October Term, 1947, No. 170, his Petition therein having been denied by this Court on the thirteenth day of October, 1947, and his petition for a re-

hearing was denied by the Court on the eighth day of December, 1947; Wherefore, your Petitioner respectfully prays that the Court grant leave to file this, a second and Supplemental Petition for Rehearing, and with enlargement of time to and including January 26, 1948, for reasons hereinafter stated.

THOMAS BULLITT DIXON,
Petitioner, Pro Se.

1. If Petitioner, because of not being a lawyer together with the untoward state of his health hitherto referred to has been guilty of certain practice errors which may have been at least partly responsible for denials by this Court of his application for certiorari and for rehearing, he nevertheless feels and respectfully submits that any such practice errors on his part should not defeat his suit from the viewpoint of the inherent and intrinsic merits involving substantive rights, and because of this he believes that this Court will approve of his further efforts to make clear the reasons he sincerely believes fully justify the granting by this Court of the Writ of Certiorari prayed for and that if the underlying facts of this case can be made sufficiently clear to this Court, it must conclude and fully realize that Petitioner's lawful rights in the premises have been railroaded and undergrounded to legal perdition by the insidious route and methods of *misapplied summary judgment*, such misapplication in the instant suit constituting the most efficient and highly prized tool of the fraudmonger since the issue in this suit is FRAUD OR NO FRAUD and the misapplication of summary judgment has relegated to perpetual darkness what a trial in open court could readily place in the light. Accordingly, Petitioner believes that his case, in view of the facts, can only be justly passed on by the

courts after a fair trial in open court and respectfully submits that it comes within the class of cases where summary judgment is manifestly out of place, and that what this Court has said, opinion by Mr. Justice JACKSON, in *Arenas v. United States*, 322 U. S. 419, 434, 64 S. Ct. 1090, 88 L. Ed. 1363; applies here, wherein the Court says:

> "... we think the duty of the Court under the jurisdictional act can be discharged in a case of this complexity only by a trial, findings and judgment in regular course."

2. Petitioner respectfully submits that the facts show his case has never been really tried before the District Court inasmuch as the evidence upon which depended the fair and correct interpretation and construction of the claims in suit of the patent in suit was withheld from presentation to the Court by the attorney of record for plaintiff therein, respondent, James J. Kennedy, Jr., acting under the supervision of James J. Kennedy, and, as, petitioner has alleged, on information and belief, in combination with respondents, so that clearly only a fraudulent imitation of plaintiff's case was tried and appealed from. Hence, the instant suit, the sole purpose of which is to obtain, in the words of this Court, "a new and a fair hearing" of this case.

3. Bearing on the matter of the importance of the invention in suit, the evidence comprised in the record shows that prior to the invention in suit distortionless amplification of electrical waves was unknown to the electrical art; and that the unauthorized appropriation by the respondents of the invention covered by the claims in suit of the patent in suit, which became known as "push-pull" amplifying apparatus has made possible and practicable the several highly important uses wherein devices requiring distortionless amplification are involved, which, among other things, include, radio telephone receiving and transmitting apparatus, tele-

phone repeaters for wire lines, sound recording and reproducing apparatus including sound pictures, television and otherwise; and, on information and belief, petitioner's said invention, so embodied, has also made possible and practicable trans-oceanic and intercontinental radio telephony as it exists today.

Conclusion.

It is respectfully submitted that the petition for rehearing should be granted as prayed for.

Respectfully submitted,

THOMAS BULLITT DIXON,
Petitioner, Pro Se

Dated: New York, January 8, 1948.

Certificate by Thomas Bullitt Dixon, Petitioner, *Pro Se*.

I hereby certify that the Petition for Rehearing and Enlargement of Time annexed hereto, is presented in good faith and not for delay.

THOMAS BULLITT DIXON,
Petitioner, Pro Se

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AMERICAN TELEPHONE AND TELEGRAPH COMPANY; WESTERN ELECTRIC COMPANY, INCORPORATED; PHILIPP, SAWYER, RICE & KENNEDY; JAMES J. KENNEDY, JR.; FISH, RICHARDSON & NEAVE; HENRY R. ASHTON; JOHN MCGLONE,
Respondents.

Civil Action File No. 20-255 To set aside as null and void Decree in E-65-141 and have new trial ordered on ground Decree was "procured to be made" as result of Fraud.

PETITION FOR LEAVE TO FILE A THIRD AND SUPPLEMENTAL PETITION FOR REHEARING WITH ENLARGEMENT OF TIME TO THE END (IF REQUIRED) OF THIS TERM OF THE COURT.

THOMAS BULLITT DIXON,
Petitioner, Pro Se

IN THE

Supreme Court of the United States

October Term, 1947

No. 170

THOMAS BULLITT DIXON, *Petitioner Pro Se,* *vs.* AMERICAN TELEPHONE AND TELEGRAPH COMPANY; WESTERN ELECTRIC COMPANY, INCORPORATED; PHILIPP, SAWYER, RICE & KENNEDY; JAMES J. KENNEDY, JR.; FISH, RICHARDSON & NEAVE; HENRY R. ASHTON; JOHN MCGLONE, *Respondents.*	Civil Action File No. 20-255 To set aside as null and void Decree in E-65-141 and have new trial ordered on ground Decree was "procured to be made" as result of Fraud.

PETITION FOR LEAVE TO FILE A THIRD AND SUPPLEMENTAL PETITION FOR REHEARING WITH ENLARGEMENT OF TIME TO THE END (IF REQUIRED) OF THIS TERM OF THE COURT.

To the Honorable the Chief Justice and Associate Justices of the Supreme Court of the United States:

Your Petitioner, Thomas Bullitt Dixon, who is not a lawyer, is the Petitioner, *pro se,* herein, for the granting by this Court of a Writ of Certiorari to the Circuit Court of Appeals for the Second Circuit in the case of *Thomas Bullitt Dixon, Petitioner, pro se* v. *American Telephone and Telegraph Company, et al.,* October Term, 1947, No. 170, his Petition therein having been denied by this Court on

the thirteenth day of October, 1947; his petition for a rehearing was denied by the Court on the eighth day of December, 1947, and his Petition for leave to file a second and supplemental petition for rehearing was denied by the Court on the nineteenth day of January, 1948; Wherefore, your Petitioner respectfully prays that the Court grant leave to file this, a Third and Supplemental Petition for Rehearing, with enlargement of time to the end (IF REQUIRED) of this Term of the Court and for reasons hereinafter stated.

Your Petitioner, Thomas Bullitt Dixon, feeling deeply aggrieved that judging from the Denial on January 19, 1948, by this Court of his Petition for leave to file a Second and Supplemental Petition for Rehearing, he must have failed to state his case in a manner sufficiently more advantageous than previous efforts had proven to be, and believing that in the interest of JUSTICE a further Petition is required he respectfully submits this his Third Petition for Rehearing in the hope that the Court may the better understand and appreciate the status of his case and the position he finds himself in, in which event he feels that the Court may see fit to grant same.

Petitioner, fully believing in the JUSTICE of his cause, is convinced that it is imperative that he secure the services of a lawyer fully qualified by competency and integrity to handle this case (he having so far handled the case *Pro Se* not through choice but only through necessity), and feels that his efforts towards securing the services of such a lawyer will be greatly facilitated as a result of the granting by the Court of this Petition.

Conclusion.

It is respectfully submitted that the Petition herein for leave to file a Third Petition for rehearing and enlargement of time should be granted as prayed for.

Respectfully submitted,

THOMAS BULLITT DIXON,
Petitioner, Pro Se

Dated New York, February 6, 1948.

Certificate by Thomas Bullitt Dixon, Petitioner, *Pro Se.*

I hereby certify that the Petition for Rehearing and Enlargement of Time annexed hereto, is presented in good faith and not for delay.

THOMAS BULLITT DIXON,
Petitioner, Pro Se